

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

## ORDER

Upon review of the file, the Clerk of Court mailed a copy of the Court's Order (Docket Entry No. 3) in this action on January 8, 2008. The copy of the Order was returned unclaimed. (Docket Entry No. 5).

Under Fed. R. Civ. P. 5(b), service is effective upon mailing to the party's last known address. It is a party's responsibility to inform the Court of his address so as to enable the Court to inform all parties of matters arising in the litigation. Downs v. Pyburn, No. 3:87-0471 (M.D. Tenn. Order filed September 4, 1987). Plaintiff has failed to inform the Court of his new address or refuses to claim mailings from the Court, and the Court is unable to conduct the necessary proceedings in this action.

Accordingly, this action is **DISMISSED** without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for plaintiff's failure to prosecute.

It is so ORDERED.

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**ENTERED** this the 9<sup>th</sup> day of November, 2010.

William J. Haynes, Jr.  
WILLIAM J. HAYNES, JR.  
United States District Judge